

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION**

NGUYEN-TUAN ANH,	:	
	:	
Petitioner,	:	
	:	
v.	:	CASE NO. 4:12-CV-188-CDL-MSH
	:	28 U.S.C. § 2241
ERIC HOLDER, JANET	:	
NAPOLITANO, FELICIA SKINNER,	:	
and MICHAEL SWINTON,	:	
	:	
Respondents.	:	

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**RECOMMENDATION OF DISMISSAL**

Petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 on July 23, 2012. (ECF No. 1.) By Order dated July 30, 2012, the Court directed Plaintiff to pay the \$5.00 filing fee or move to proceed *in forma pauperis* within thirty days. (Order, July 30, 2012, ECF No. 4.) Petitioner failed to comply with the above instructions or otherwise respond to the Court's Order. Consequently, on September 17, 2012, the Court gave Petitioner an additional seven days to respond and pay the filing fee or move to proceed *in forma pauperis*. (Order, Sept. 17, ECF No. 5.) The Court explained in that Order that failure to comply would result in dismissal of his action. (*Id.*) Petitioner has failed to comply with the Court's Orders and, as of today, has failed to pay the \$5.00 filing fee as required by 28 U.S.C. § 1914(a) or move to proceed *in forma pauperis*.

WHEREFORE it is recommended that Petitioner's application for a writ of habeas corpus be DISMISSED without prejudice for failure to pay the filing fee and comply with

the Court's July 30 and September 17 Orders. Pursuant to 28 U.S.C. § 636(b)(1), the Petitioner may serve and file written objections to this recommendation with the United States District Judge within fourteen (14) days after being served a copy of this recommendation.

SO RECOMMENDED, this 5th day of March, 2013.

S/ Stephen Hyles

UNITED STATES MAGISTRATE JUDGE